

REMARKS

Claims 1-20 are pending in this patent application. Claims 1, 2, and 6 have been amended to delete restricted subject matter. Claim 4 has been canceled as drawn to non-elected subject matter. Applicants reserve the right to pursue claims 1, 2, 4, and 6, as filed, in future applications. Claims 7-20 have been withdrawn as drawn to non-elected subject matter. It is Applicants' understanding that the Examiner may consider rejoining method of use claims 7-20 commensurate in scope with the product claims when the case is found in condition for allowance.

As an initial matter, Applicants wish to thank the Examiner for clarifying the Restriction Requirement during a telephone discussion with their counsel, Leslie Aberman, on November 17, 2004. Based on this discussion, it is Applicants' understanding that the only substituents restricted out of the present claims are pyridinyl, thienyl, and furanyl rings, and that all other substituents are considered to be within the scope of the elected invention. It is also Applicants' understanding that the list set forth on page 4 of the Restriction Requirement was provided by the Examiner to help Applicants select substituents that are, according to the Examiner, free of art.

Rejection under 35 U.S.C. § 103

Claims 1-5 and 7 are rejected under 35 U.S.C. § 103 because they allegedly would have been obvious over U.S. Patent No. 4,478,819 and in view of U.S. Patent No. 3,843,683. Applicants respectfully request reconsideration of this rejection because it appears to be based on a mistaken assumption that the claims list a hydrogen or an alkoxy group among the recited choices for variable R₄.

The Office's Action at page 5 asserts that the only difference between the claimed compounds and the compounds represented by RN 25803-14-9, RN 26211-72-3, and RN 26296-60-6 is the substitution of hydrogen for an alkyl group at the R₁ position. A review of the cited compounds, however, reveals that they bear either a hydrogen or an alkoxy group at positions that could be alleged to correspond to Applicants' R₄ position. As will be noted, the claimed compounds bear a ring structure, rather than a hydrogen or an alkoxy group, at the R₄ position. The Action fails to identify any suggestion in the cited patents to replace the

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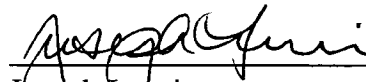
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substituents at the R₄ position with a ring structure, nor is there any evidence that those of ordinary skill otherwise would have been motivated to modify the disclosed compounds in a way that would have produced a claimed compound. Accordingly, the rejection of the claims for alleged obviousness is improper and should be withdrawn.

The foregoing represents a *bona fide* attempt to advance the present case to allowance. Applicant submits that this application is now in condition for allowance. Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested. If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 215-568-3100.

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